

Legal Services Corporation
National Diversity in the Legal Services Community
Action Agenda
April 2002

Introduction

In March 2001, LSC and NLADA launched a yearlong initiative on diversity in the legal services community. It consisted of a series of conversations covering a broad range of issues as well as an examination of relevant LSC CSR data. Held in conjunction with national and regional events, these conversations captured a range of ideas and concerns from leaders and “elders,” from new lawyers and paralegals, from clients and board members, from national and regional partners. Reports on the conversations were produced, and are posted on the LSC website. The information contained in these reports is the basis for the following “action agenda,” a set of concrete steps and goals that LSC will pledge to undertake or advance in the coming years as we strengthen efforts to build an inclusive and responsive state justice community that serves the maximum number of clients in the most effective way.

Salient to any discussion of diversity is the notion of inclusion. Diversity goes well beyond race. The LSC/NLADA conversations looked at gender and sexual orientation issues. They examined ethnicity, age and disability. The ultimate goal of diversity is to value a broad range of people and notions. Diversity helps us grasp the connections between various aspects of our individuality. Affinities are recognized on gender lines, along race and ethnicity patterns, and there is an acceptance of how they link us as well as make us unique. The initiative’s goal was to develop strategies for achieving state justice communities that are diverse, inclusive and multi-culturally competent -- on all levels.

Background

Expanding diversity can be challenging for an organization. Executive directors must devote more time to the issue in the context of the heavy load of responsibilities and tasks they already carry. Staff may become anxious about *promising* new *employees* whose *presence* may be viewed as threatening. Holding positions open for the most appropriate candidate can tax current employees and caseloads. All in all, changing the status quo of an office, program or board is risky, and requires a willingness to confront overt and hidden agendas.

Nonetheless, in each of the eight discussions, participants agreed that expanding diversity in legal services programs is extraordinarily beneficial for programs and client services. A diverse staff tends to deploy holistic strategies over more conventional solutions to legal problems, thereby helping clients more effectively. A diverse environment fosters more complex personal growth because it requires individuals to grapple with legal and social issues in the context of a multicultural world. Working in a multicultural organization makes staff more sensitive to the special legal needs of disenfranchised groups. When program leadership is diverse, connections with the client

community become deeper and more resilient. As more information about legal needs is revealed, decisions about how to address them are enriched.

Our client populations are changing at an astounding speed. Regions and states that have been predominately Caucasian or African American for generations are now home to new *residents* from South America, Africa, Asia, Southeast Asia and Eastern Europe. These new Americans arrive with wonderful gifts from their home countries as well as the vigor and initiative that have propelled immigrants to our shores for centuries. But many of them bring special legal needs that are exacerbated by aspects of their cultural and ethnic heritage. This is not the only reason why state justice communities need to revisit diversity issues regularly, but it adds urgency to an already critical aspect of providing high quality legal services to low-income individuals and communities.

How have LSC programs kept up with an increasingly diverse world? An examination of CSR data submitted annually by programs reveals changes in the workforce, but by increments so small that, for the most part, they do not make a significant difference. The data examined *was* gathered between 1996 and 2000. They show that the total number of all LSC-funded employees at our programs grew from 12,653 to 12,811. During the same period, the number of Caucasian employees increased by one percent while Asian employees increased by 45 percent. The number of African American employees declined by one percent and Hispanic employees decreased by less than one half of one percent. The number of Native American employees decreased by ten percent.

In 1996, sixty-eight percent of all executive directors were male; five years later, sixty-six percent were male. This is disappointing information in the context of the spectacular increase of women in the profession and in the legal services attorney workforce. The number of female attorneys at LSC programs rose 55.3 percent in the *five-year* period studied, yet the percentage of women heading programs grew by only two percent. In 1966 the percentage of directors who reported as members of a racial or ethnic minority was 16 percent. Five years later it was 17 percent. An important barometer for tracking our community's progress will be the speed with which program *stuffs* become increasingly diverse, particularly at the management and executive director levels.

For two days at the end of May 2001, over fifty individuals from LSC programs and other legal services organizations met to discuss diversity topics, including age, gender, sexual orientation, race, ethnicity and disability. Several themes emerged from this colloquy. First, stronger efforts must be made to develop a diverse staff and leadership. Discrimination-based advocacy must be reinvigorated and pursued both to address discrimination as a legal problems and to build trust with disempowered communities. Additionally, our community needs a common definition and vision of diversity. Finally, we must establish a way of ensuring that justice communities remain multi-culturally competent and engage in broader range of issues.

Other conversations focused on more specific examples of challenges that programs face and steps that can be taken to meet them. It can sometimes be difficult to attract professionals of color to environments where there are no other peers who share their ethnic and cultural heritage. Some communities with an urgent need for lawyers of color are also intolerant and unfriendly places for such staff to live. It can be difficult to find an attorney who speaks the language of the dominant immigrant group in the area, particularly when the ethnic community is a relatively new one, such as Hmong.

Women and people of color who participated in the conversations pointed frequently to the traditional style of lawyering and managing that is in place at many LSC programs. Succession is often restricted to individuals who look and act like the current directors and, as illustrated above, most directors are white men. Program boards are reluctant to veer from the conventional law firm model also, and hire executive directors who reflect the typical law firm community rather than the LSC client community. This “glass ceiling” has a deleterious effect on diversity, in all its ramifications.

While some pointed to the low salaries as a disincentive to staff of color to come to LSC programs, a conversation at the July 2001 NLADA Sub Law Conference showed otherwise. Generally, participants said they chose work in the legal services community to empower the disenfranchised, to effect justice, because of the heroic staff and clients they encountered there. Staff of color, however, noted that the caps on salaries at LSC programs undermined their commitment to *long-term* employment, particularly when the low salaries were combined with a perception that there was no upward mobility in the program.

Action Steps

Financial and regulatory constraints interfere with LSC’s ability to meet all of these challenges posed by grantees. *However*, LSC can pledge to direct staff and other resources toward the creation of resources that will help programs grapple with *the* barriers to achieving vibrant diversity in their state justice communities. Specifically LSC will undertake or has already moved on the following action steps.

New lawyers, particularly lawyers of color, may find it difficult to take or retain legal services jobs because of the salaries and the burden of law school debt. Last year LSC started conversations with members of Congress to support increases in LSC appropriations targeted to a national law school loan forgiveness program for LSC staff attorneys.

- **LSC will continue to aggressively pursue appropriations, partnerships and other strategies leading to a national loan forgiveness program for LSC program attorneys.**

LSC-grantee boards of directors may not understand the need for a highly diverse professional staff at the organizations they oversee, and the particular importance of diversity in internal and external program leadership. LSC has hired an individual in the

Office of Program Performance who will work with boards, programs and other members of state justice communities to highlight the need for increased diversity throughout our programs and show how programs and services improve as diversity grows.

- **LSC recently created a the position of diversity specialist on its state planning team, and will continue to fund that position to the degree necessary to make it effective and productive.**

Moving aggressively to enhance diversity efforts in organizations can be risky, especially when staff and/or board members are not convinced of the benefits. Participants at several diversity conversations noted the importance of continued support from national partners, such as LSC. Attention and encouragement from national organizations helps proponents win over reluctant boards and staff to diversity initiatives. Training for boards that will deepen their understanding of the effects of diversity was noted as critical to creating more diverse state justice communities, particularly leaders. LSC regulations governing board *composition* was also raised as a possible barrier to achieving greater diversity among board membership.

- **LSC is working closely with members of the African American Project Directors Association to produce a training module for boards of directors on diversity and leadership. The module will be a package of training materials and resources that boards and programs can use independently of consultants if they so choose to sensitize participants to the benefits and challenges of diversity agendas.**
- **LSC will examine its regulations covering LSC program boards for changes that might create opportunities to increase diversity on board membership.**

Heightened awareness of the importance of diversity efforts can help organizations evaluate on a regular basis how well they are meeting their diversity vision and goals. Emphasis on diversity and inclusion from national funders is central to any program's efforts to adopt agendas and actions that will expand diversity.

- **LSC will maintain and expand its emphasis on diversity in competition documents, state planning reports and other communications with the field.**
- **To the greatest extent possible, LSC will continue to hold conversations and programs on diversity in conjunction with national and regional meetings.**

It is critical to ***understand*** where we are now and what needs to be done to ***attain*** the goal of a multi-culturally competent and inclusive state justice community. Regular examinations and reports on progress will help LSC and local communities refine and amend strategies for achieving their diversity goals.

- **LSC will regularly undertake *analyses of grantee reports of staff demography*, and publish the results of these examinations as benchmarks for the field, emphasizing the importance of diversity in management.**
- **LSC will develop a system whereby state justice communities can review their progress on state planning goals of diversity and inclusion. LSC has created a Design Team to work with its consultants on creating a state justice community evaluation tool. Successful diversity efforts will be included as one of the critical components of a healthy state justice community.**

Participants emphasized the importance of sharing best practices and models for achieving diversity, including innovative ways of serving hard-to-reach populations, models for cultivating new and diverse leaders, mentoring programs and other leadership development tools, diversity trainers and resources. LSC has established a system to capture the best practices of its grantees in a variety of areas. This information is gathered from documents submitted to LSC (e.g., grant applications, state planning reports) and from on-site program visits conducted by LSC staff and consultants. The information will be published on LSC's website and updated regularly.

- **LSC will devote a section to projects and activities that *promote diversity, inclusion, and multi-cultural competence and their impact on staff and client services*. Information from this section will be shared with *programs for their use and for future forums and conversations on diversity sponsored by LSC*.**

Leadership ***expansion*** is crucial to establishing and implementing a state justice community's diversity agenda. ***Program directors and board members play very vital roles in supporting and/or initiating sound diversity strategies.***

- **LSC has begun and will continue to assist programs and boards hiring new directors with their job searches for applicants who exhibit particular skill in this area. When possible, LSC will provide staff and other resources to offer expertise and guidance to boards of directors in this important area.**

Attention and priority to a comprehensive diversity agenda by national leaders will support the efforts of LSC programs in achieving a broadly diverse organization and state justice community. National organizations can model behavior that they want grantees to adopt and set the tone for hiring and leadership decisions at the local level.

- **LSC staff will report regularly to the LSC Board on the outcomes of our diversity efforts.**
- **LSC staff will continue to emphasize diversity in our selection and promotion of staff.**
- **Panels that are convened for presentation to the LSC Board and the conferences will reflect the diversity of the legal services community.**

Conclusion

The LSC/NLADA conversations about diversity sparked ideas and educated all participants. They were not, however, the end goal. A genuine commitment to diversity depends on action, action that is often bold and not without risks. LSC pledges to continue to examine this agenda, *and* to change it as circumstances warrant so that we, and our grantees, will obtain the vision of “a glittering mosaic” – a community that is truly inclusive.